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6 State Farm Mutual Automobile Insurance Company

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
9

10 **PAMELA GROGAN, individually**

2:17-cv-01044-APG-VCF

11 Plaintiff,

12 v.

13 **STATE FARM MUTUAL**
14 **AUTOMOBILE INSURANCE**
15 **COMPANY, an entity licensed to do**
business in Nevada; DOES I through X;
16 and ROE CORPORATIONS, XI through
XX, inclusive

17 Defendant

18 **STIPULATION AND ORDER FOR PROTECTIVE ORDER**

19 WHEREAS Defendant, STATE FARM MUTUAL AUTOMOBILE
20 INSURANCE COMPANY, ("Defendant") has in its possession or under its control
21 certain documents, testimony, or information that may contain or comprise
22
23

1 attorney-client documents, work product documents, trade secrets documents, and
2 personal information and financial documents which are considered confidential,
3 sensitive and/or proprietary by Defendant ("Protected Documents"); and

4 WHEREAS Plaintiff to this action PAMELA GROGAN ("Plaintiff") without
5 conceding privacy, the confidentiality, sensitivity or proprietary nature of such
6 documents, wishes to have access to the Protected Documents for purposes of
7 prosecuting this lawsuit;

8 WHEREAS Defendant contends that it could suffer irreparable harm if the
9 Protected Documents or their contents were subjected to unauthorized disclosure;
10 and,

11 WHEREAS Plaintiff contends that Defendant might be required to also
12 provide copies of such Protected Documents to the other parties in this case not
13 identified above;

14 NOW, THEREFORE, the parties hereto hereby stipulate as follows:

15 1. Defendant shall stamp any documents to be produced subject to this
16 protective order with a notation on each page stating the following:

17 **PROTECTED DOCUMENT**

18 *State Farm adv. Grogan*, United States District Court, District of
19 Nevada Case No. 2:17-cv-01044-APG-VCF. This document is subject
20 to a protective order. Unauthorized disclosure is prohibited.

21 Failure to stamp any such document at the time of its production shall
22 constitute a rebuttable presumption that such document is not subject to the terms
23 and conditions of this protective order.

1 2. Counsel for the parties receiving copies of Protected Documents
2 stamped as provided in paragraph 1, above, shall treat such documents and their
3 contents as confidential, to be used only for the purposes of this litigation. In
4 particular, counsel shall not give, show or disclose the contents of any such
5 document to any other person or entity except:

- 6 (a) The Court and its employees under seal;
- 7 (b) The parties' counsel of record, including partners and associate
8 attorneys, and paralegal assistants, stenographic, and clerical employees when
9 working under the direct supervision of the counsel of record;
- 10 (c) The parties' experts, consultants, agents, employees, officers,
11 directors, and investigators who are or will be consulted or retained to assist the
12 parties in their preparation for and conduct of pretrial and trial proceedings in this
13 litigation;
- 14 (d) Court reporters and witnesses during depositions, hearing or
15 trial. Disclosure of the identity of said consultants provided by paragraph 4 below,
16 shall not be deemed a waiver of either the attorney-client, or the attorney work
17 product privileges, nor a disclosure of expert witnesses, pursuant to Federal Rules
18 of Civil Procedure, rule 26(c-d).

19 3. Before providing or disclosing Protected Documents to any person
20 described in subparagraphs 2(b) and/or 2(c), above, the parties' counsel shall first
21 inform such person that the Protected Documents are to be treated as confidential,
22 to be used only for purposes of this litigation, and that these restrictions are
23 imposed by court order.

1 4. Before providing Protected Documents to any person, pursuant to
2 section 2(c), above, the parties' counsel shall first provide such person with a copy
3 of this protective order and have such person execute an acknowledgment and
4 agreement to be bound by the terms of this protective order in the following form:

5 ACKNOWLEDGMENT AND AGREEMENT RE: PROTECTED
6 DOCUMENTS

7 The undersigned acknowledges that a protective order has been entered in
8 the United States District Court, District of Nevada in case number 2:17-cv-01044-
9 APG-VCF entitled State Farm adv. Grogan. The undersigned acknowledges that
10 he/she/it has received and read a copy of the protective order, understands the
11 contents thereof, and agrees to be bound by its terms.

12 The undersigned acknowledges that violation of the terms of this protective
13 order could subject the undersigned to sanctions or damages as provided by law.

14 The undersigned expressly submits to the jurisdiction of the Federal District
15 Court for the District of Nevada for purposes of any action which might be
16 necessary to enforce the terms of this protective order.

17 DATED: _____
18 DATED: _____

19 and retain such signed acknowledgment in its file, pending the final
20 disposition of this action.

21 5. The disclosure or production by defendant of protected documents
22 pursuant to this protective order shall not be deemed to concede the relevancy,
23 competency or admissibility of any document or of any matter set forth therein, and
is not intended to be a waiver of any privilege.

6. Any documents stamped as containing any confidential information or
any reference thereto, including, without limitation, all deposition transcripts,
document requests and responses thereto, interrogatories, interrogatory answers,

1 other discovery documents, briefs, motions, declarations, and/or points and
2 authorities shall be subject to this protective order and shall not be served on or
3 provided to any person other than the Authorized Parties designated in paragraph
4 2.

5 7. Upon request of the disclosing party and not later than thirty days
6 following the final disposition of this action, whether by dismissal, settlement, final
7 judgment or otherwise, counsel for all other parties shall destroy all copies of the
8 protected documents in their possession or under their control, including copies
9 provided to experts, consultants and any other person described in subparagraphs
10 2(c). Counsel shall provide written notice to defendant's counsel upon request that
11 the terms of the protective order have been complied with by counsel of record by
12 the parties, and that the files in plaintiff's control have been destroyed.

13 8. Nothing in this protective order shall be deemed as a waiver of the
14 parties' right to assert the attorney-client privilege and work product doctrine over
15 any documents it deems appropriate and withhold such documents on this basis.

16 9. This protective order encompasses the complete and entire agreement
17 between the parties. The terms of this protective order shall not be modified except
18 by a subsequent writing signed by both parties, and ordered by the Court.

19 10. Should any third party seek access to the protected documents, by
20 request, subpoena or otherwise, the specific parties or other recipient of the
21 protected documents, as applicable, shall promptly notify defendants' counsel, and
22 shall cooperate with defendants in resisting any efforts by third parties to obtain
23

1 protected documents from the specified parties or other person, unless otherwise
2 compelled by court order or law to release the protected documents.

3 11. If the receiving party disputes the applicability of this order to any
4 documents provided subject to the same, the party must provide such notice to the
5 propounding party within sixty days of receipt of the records, or before the close of
6 discovery, whichever is sooner.

7 Dated: June 27, 2018

Dated: June 27, 2018

9 **RANALLI ZANIEL FOWLER &
10 MORAN, LLC**

HENNESS & HAIGHT


11 /s/ Benjamin Carman
12 GEORGE M. RANALLI, ESQ.
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14 BENJAMIN J. CARMAN, ESQ.
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8972 Spanish Ridge Ave.
Las Vegas, NV 89148
Attorney for Plaintiff

ORDER

18 IT IS SO ORDERED:

19 Dated: 7-9-2018
20 _____

21 
22 _____
23 UNITED STATES
MAGISTRATE JUDGE